

# Order

Entered: October 8, 2002

**Michigan Supreme Court  
Lansing, Michigan**

Maura D. Corrigan,  
Chief Justice

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Clifford W. Taylor  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

2002-18

Amendment of Rules 7.302, 7.304,  
7.306, and 7.309 of the Michigan Court Rules

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On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendments of Rules 7.302, 7.304, 7.306, and 7.309 of the Michigan Court Rules are adopted, to be effective January 1, 2003.

[The present language of MCR 7.302, 7.304, 7.306, and 7.309 is amended as indicated below.]

## Rule 7.302 Application for Leave to Appeal

(A) What to File. To apply for leave to appeal, a party must file:

(1) 8 copies of an application for leave to appeal (one must be signed) prepared in conformity with MCR 7.212(B) and consisting of the following:

(a) - (g) [Unchanged.]

(2) - (4) [Unchanged.]

(B) - (G) [Unchanged.]

## Rule 7.304 Original Proceedings

(A) [Unchanged.]

(B) What to File. To initiate an original proceeding, a plaintiff must file with the clerk:

(1) 8 copies of a complaint;

- (2) 8 copies of a brief conforming as nearly as possible to MCR 7.212(B) and (C);

(3) - (5) [Unchanged.]

Copies of documents, record evidence, or supporting affidavits may be attached as exhibits to the complaint. The complaint must be entitled:

*"[Plaintiff] v [Court of Appeals, Board of Law Examiners, Attorney Discipline Board, or Attorney Grievance Commission],"*

and the clerk is directed to re-entitle any papers otherwise entitled.

(C) Answer.

- (1) The defendant must file 8 copies of an answer and a brief conforming with MCR 7.212(B) and (D) before the date the complaint is noticed for hearing. The defendant must serve 1 copy on the plaintiff and file proof of that service with the clerk.

(2) [Unchanged.]

(D) - (E) [Unchanged.]

#### Rule 7.306 Briefs in Calendar Cases

- (A) Form of Briefs. Briefs in calendar cases must be prepared in the form provided in MCR 7.212(B), (C), and (D) and produced as provided in MCR 7.309. For the purposes of this rule, references in MCR 7.212(C) and (D) to the "record" should be read as referring to the appendix.
- (B) Length of Brief; Summary of Argument. In a brief in which the argument of any one issue exceeds 20 pages, a summary of argument must be included. The summary must be a succinct, accurate, and clear condensation of the argument actually made in the body of the brief and may not be a mere repetition of the headings under which the argument is arranged. Unless the Court allows a longer brief, a brief prepared in the manner authorized under MCR 7.309 may not exceed 50 pages if printed on 6-1/4 by 9-1/4 inch paper or, if on 8-1/2 by 11 inch paper, may not exceed 60 pages, excluding the table of contents, index of authorities, and appendix, but including the summary of argument.
- (C) [Unchanged.]

## Rule 7.309 Preparation, Filing, and Serving Briefs and Appendixes

### (A) Form.

- (1) Briefs and appendixes shall be produced on good white unglazed paper by any printing, duplicating, or copying process that provides a clear image. Original typewritten pages may be used, but not carbon copies. Briefs and appendixes must be prepared in conformity with MCR 7.212(B), except that briefs must be printed on only one side of the page and appendixes must be printed on both sides of the page. ~~securely bound on the left side and must be prepared in conformity with either of the following specifications:~~
  - (a) ~~6-1/4 by 9-1/4 inch paper. Briefs and appendixes of this size must be printed in clear type, not smaller than small pica or 11-point type.~~
  - (b) ~~8-1/2 by 11 inch paper. Briefs and appendixes of this size must have text in type not smaller than standard pica typewriting and not to exceed 6-1/2 by 9-1/2 inches. The text must be double spaced except for quoted materials which may be single spaced. Briefs must be printed on only one side of the page. Appendixes must be printed on both sides of the pages.~~

The necessary expense of preparation of briefs and appendixes to be taxed as costs pursuant to MCR 7.319 shall not exceed \$2 per original page.

(2) - (3) [Unchanged.]

(B) - (C) [Unchanged.]

Staff Comment: The October 8, 2002 amendments of MCR 7.302, 7.304, 7.306, and 7.309, effective January 1, 2003, standardize the type size that is used in briefs and other papers filed with the Supreme Court. The amendments also adopt the 50-page limit set forth in MCR 7.212(B), eliminating the distinction between printed and other briefs.

The staff comment is published only for the benefit of the bench and bar and is not an authoritative construction by the Court.